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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/065,421

10/16/2002

Ken Scott Fisher

6749

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7590

11/13/2006

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EXAMINER

GUYTON, PHILIP A

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,421

Applicant(s)

FISHER ET AL.

Examiner

Philip Guyton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 15, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,594,727 to Tanaka.

With respect to claim 1, Tanaka discloses a method for portable computer data protection, comprising:

communicating between a portable memory drive (figure 2, item 100 - memory card) and a host computer system (figure 2, item 200 – information processing unit) via a common interface (column 4, lines 11-19); and

managing operation of said portable memory drive through a data management program (figure 3, item 400 – application function and column 4, lines 56-64) including the substeps of:

storing in said host computer system a value contained in a static register (figure 2, item 121) of the portable memory drive, reflecting parameters defining one or more communication links established during initialization between the host computer system and the portable memory drive (column 5, lines 36-43 – register initialized with value from information processing unit); and

upon a loss of communication between said portable memory drive and said computer system (column 4, lines 42-45), and upon a subsequent recommunication there between, copying said value from said host computer system to said static register (column 6, lines 45-48), thereby resuming communication using the parameters previously stored in said static register (column 6, lines 15-19 and lines 28-39).

With respect to claim 2, Tanaka discloses wherein said portable memory drive further comprises an energy storage device within said portable memory drive (figure 2, item 140 – flash ROM).

With respect to claim 3, Tanaka discloses wherein said static register values are stored in random access memory in said computer system (figure 2, item 232 – main memory).

With respect to claim 4, Tanaka discloses wherein said static register values are stored on a hard drive in said computer system (figure 2, item 240 – external storage device).

With respect to claim 15, Tanaka discloses a portable data storage system comprising:

- a computer system having memory (figure 2, items 200, 232, 240);

- a portable mass storage device (figure 2, item 100) having a common interface (column 4, lines 11-19) for connection to said computer system and having a static register (figure 2, item 121); and

- a computer program stored on a storage medium for execution by said computer system such that data written to said portable mass storage device is first written to said memory (column 5, lines 36-43 – register initialized with value from information processing unit) such that said computer program will direct said program to compare data stored in said memory to data stored in said portable mass storage device and correct the data stored in said portable mass storage device when a difference is found (column 6, lines 29-40 and column 7, lines 37-42).

With respect to claim 19, Tanaka discloses a portable memory device (figure 2, item 100) comprising:

- a common interface for connection to a host computer (column 4, lines 11-19), said portable memory device having memory locations which will lose their data in the event of transient power interruption (figure 2, item 121 and column 4, lines 42-45); and

a computer program stored on computer readable medium, said computer program causing the host computer to locally store a state of said portable memory device (column 5, lines 36-43) and to re-load the state to said portable memory device after a transient power interruption in order to restore communication with the host computer (column 6, lines 29-40 and column 7, lines 37-42).

With respect to claim 20, Tanaka discloses a portable data storage system comprising:

a host computer system having random access memory (figure 2, items 200, 232, 240);

a portable mass storage device (figure 2, item 100) having a common interface for connection to said host computer system (column 4, lines 11-19); and

a computer program stored on storage media for execution by said host computer system such that, on an ongoing basis, data written to said portable mass storage device is first written to said random access memory (column 5, lines 36-43 and column 6, lines 29-40), and used as a source file for transfer of said data to said portable memory (column 6, lines 45-48, lines 15-19, and lines 28-39).

With respect to claim 21, Tanaka discloses a portable memory device (figure 2, item 100) comprising:

a common interface for connection to a host computer (column 4, lines 11-19), said portable memory device having memory locations which will lose their data in the event of a transient power interruption (figure 2, item 121 and column 4, lines 42-45);

an input for receiving operating power from the host computer (figure 2, item 110); and

a device driver program comprising computer-executable instructions stored on computer readable medium, said device driver program configured to be automatically loaded on the host computer when said portable memory device is connected to the host computer via said common interface (column 4, lines 56-67), to cause the host computer to store locally settings of the common interface of said portable memory device (column 5, lines 36-43), and to re-load the locally stored settings to the memory locations of said portable memory device after a transient power interruption or disconnection of the portable memory device from the host computer (column 6, lines 29-40 and column 7, lines 37-42).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,181,630 to Caulkins.

With respect to claim 19, Caulkins discloses a portable memory device (figures 1, 2, volatile memory storage expansion card and external volatile memory storage device) comprising:

a common interface for connection to a host computer (column 1, lines 30-37), said portable memory device having memory locations which will lose their data in the event of transient power interruption (column 1, lines 23-29); and

a computer program stored on computer readable medium, said computer program causing the host computer to locally store a state of said portable memory device (column 2, lines 11-14) and to re-load the state to said portable memory device after a transient power interruption in order to restore communication with the host computer (column 2, lines 48-52).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 16, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of U.S. Patent No. 6,614,708 to Lin et al. (Lin).

With respect to claims 5, 16, and 22, Tanaka does not disclose expressly wherein said common interface comprises a universal serial bus. Additionally, with respect to claims 6 and 17, Tanaka does not disclose expressly wherein said common interface comprises an IEEE-1394 bus.

Lin teaches use of a universal serial bus as well as an IEEE-1394 bus for interfacing a storage device with a computer system (column 2, lines 14-21).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Tanaka to use a universal serial bus as well as an IEEE-1394 bus, as taught by Lin. A person of ordinary skill in the art would have been motivated to do so because universal serial bus and IEEE-1394 are common interfaces that are used in connection with portable storage devices, as taught by Lin (column 1, lines 16-27).

With respect to claim 23, modified Tanaka discloses wherein no random access memory is provided on the device for mass storage of user data (column 4, lines 11-13 – only ROM).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caulkins in view of U.S. Patent No. 6,871,271 to Ohran et al. (Ohran).

With respect to claim 20, Caulkins discloses a portable data storage system comprising:

- a host computer system having memory (figure 1, host computer and optional host-mounted non-volatile storage device);

- a portable mass storage device (figures 1, 2, volatile memory storage expansion card and external volatile memory storage device) having a common interface for connection to said host computer system (column 1, lines 30-37); and

- a computer program stored on storage media for execution by said host computer system such that, on an ongoing basis, data written to said portable mass

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storage device is first written to said memory (column 2, lines 11-14) and used as a source file for transfer of said data to said portable memory (column 2, lines 48-52).

Caulkins does not disclose expressly wherein the memory is random access memory.

Ohran teaches a system that stores data from a mass storage device to random access memory of a computer system for backup purposes (column 2, lines 47-65 and column 4, lines 65-67 and column 5, lines 1-4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Caulkins by storing static register values in random access memory, as taught by Ohran. A person of ordinary skill in the art would have been motivated to do so because corrupted data in the storage device could easily be restored using the backup provided by the random access memory, as taught by Ohran (column 3, lines 7-11). Additionally, Atkinson (U.S. Patent No. 6,694,451) teaches random access memory provides storage for large amounts of data and also provides much faster access when compared to disks or drives (column 1, lines 24-37).

Allowable Subject Matter

9. Claims 7-14 and 18 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

The elements of independent claims 7 and 18 were not found through a search of the prior art, nor were they considered obvious by the examiner. In particular, the prior art of record does not teach or suggest:

As in claim 7, "said static register containing a value reflecting parameters defining one or more communication links established during initialization between the host computer and the portable memory drive; and said computer program automatically rebuilds the one or more communication links using said last stored value thereby allowing resumption of communication with said portable mass storage device."

As in claim 18, "said static register storing parameters or settings defining a communication link between the external computer device and the computer system; and the external computer device will use the parameters or settings stored in said static register to re-establish the communication link and thereby resume normal operation."

Response to Arguments

11. Applicant's arguments with respect to the claim have been considered but are moot in view of the new grounds of rejection.

Conclusion

12. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Guyton whose telephone number is (571) 272-3807. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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